



# CITY OF ASTORIA

Founded 1811 • Incorporated 1856

Community Development Department

1095 Duane Street • Astoria, OR 97103 • Phone (503) 338-5183 • [www.astoria.gov](http://www.astoria.gov) • [planning@astoria.gov](mailto:planning@astoria.gov)

## NOTICE OF APPEAL HEARING

To participate remotely in public hearings, go to [https://www.astoria.gov/LIVE\\_STREAM.aspx](https://www.astoria.gov/LIVE_STREAM.aspx) for connection options and instructions (refer to page 2 of this notice). You may also use a telephone to listen in and provide public testimony. At the start of the meeting, call (253) 215-8782 and when prompted enter meeting ID# 503 325 5821.

The City of Astoria will hold an Appeal Hearing by Hearings Officer Joe Turner on **Tuesday, February 3, 2026 at 10:00 a.m.** in the City Council Chambers at City Hall, 1095 Duane Street, Astoria.

The hearing is in regards to an application by Bob and Cindy Magie for verification of non-conforming use status for a four-plex dwelling as a transient lodging use at 1555-1557-1559-1561 Exchange Street (Map T8N R9W Section 8DC, Tax Lot 18200; Lot 3, and north 100' of west 35' Lot 2, Lot 1, Block 114, Shively [4-plex] and Map T8N R9W Section 8DC, Tax Lot 18100; south 17' Lot 1, and approximate south 50' of west 30' Lot 2, Block 114, Shively [parking]) located in the C-3 (General Commercial [4-plex]) and R-3 (High Density Residential [parking]) zones. Development Code Standards in Articles 1 (Definitions), 2 (Use Zones), 3 (Nonconforming Uses), 7 (Parking), 9 (Administrative Procedures) and Comprehensive Plan Sections CP.005-CP.028 (General Policies) and CP.040-CP.045 (Central Residential) are applicable to the request.

### Summary

1. Bob and Cindy Magie (the “applicants”) requested verification that the existing four-plex dwelling is allowed to continue to be used as transient lodging as a lawfully established nonconforming use or vested right (City of Astoria Decision Letter, June 26, 2023).
2. Austin Kettleon, Andrew Kipp and John Windus appealed the City’s administrative approval decision. On December 15, 2023, former Astoria Hearings Officer Alan A. Rappleyea issued a decision denying the appeal and upheld the City’s administrative decision (Appeal AP23-02).
3. Andrew Kipp and John Windus appealed that decision to the Astoria City Council. The City Council denied the appeal by decision dated February 26, 2024 (Appeal AP24-01).
4. Mr. Kipp (the “appellant”) appealed the City Council’s decision to the Land Use Board of Appeals (LUBA). LUBA remanded the decision to the City by order dated December 11, 2024, *Kipp v. City of Astoria*, LUBA 2024-012 (2024).

### Hearing Procedures

1. Astoria Hearings Officer Joe Turner finds that the hearing should be *de novo*, in-person. A *de novo* hearing will allow the parties to expand their presentation of evidence to directly address the issues on remand.
2. The parties shall submit witness lists, if any, new documentary evidence, and written arguments no later than **5:00 p.m. on January 27, 2026**. The City shall maintain the official record for this remand proceeding. The parties will email their submittals to the City, the hearings officer, and the other party’s representative.
3. The anticipated order of business for the hearing is as follows:
  - a. Introductory remarks by the hearings officer;
  - b. Applicants’ case, including witness testimony and legal argument;
  - c. Appellant’s case, including witness testimony and legal argument;
  - d. Public testimony, limited to three (3) minutes per person;

- e. Applicants' rebuttal and closing argument;
- f. Conclusion of the hearing.

4. Testimony will be limited to the issues on remand: whether use of the four-plex for transient lodging had progressed sufficiently to establish a non-conforming use or vested right to continue to develop and use each of the dwelling units as transient lodging after January 1, 2019, and if such rights were established, whether the use was subsequently abandoned. Testimony beyond this limited scope will not be allowed.

A copy of LUBA Appeal Record No. 2024-012, and applicable criteria are available for inspection at no cost and will be provided at reasonable cost. All such documents and information are available by request by contacting the Community Development Department at 1095 Duane Street, Astoria, by email at [planning@astoria.gov](mailto:planning@astoria.gov) or by calling (503) 338-5183. You may also use the following link to view the documents in ORMS: <https://ormswd2.synergydcs.com/HPRMWebDrawer/RecordView/7010451>

The location of the appeal hearing is ADA accessible. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting the Community Development Department at (503) 338-5183, 48 hours prior to the meeting. If the hearing is continued, no further public notice will be provided.

The Hearings Officer's ruling may be appealed to the Oregon Land Use Board of Appeals ("LUBA") by the appellant or by the owner by filing a Notice of Intent to Appeal within 21 days after the City Council's decision. Appellants should contact LUBA concerning specific procedures for filing an appeal. If an appeal is not filed with LUBA within the 21 day period the decision of the City Council shall be final.

THE CITY OF ASTORIA

MAILED: January 12, 2026



Tresa Abke  
Administrative Assistant

Public meetings are held at City Hall, 1095 Duane Street, Astoria. Check dates/times/location at: [www.astoria.gov](http://www.astoria.gov)  
You may also view/listen and participate remotely by using the following connection options:

## ONLINE MEETING

At the start of our Public Meetings you will be able to join our online ZOOM meeting using your **mobile or desktop device** and watch the live video presentation and provide public testimony.

- Step #1: Use this link: <https://www.astoria.gov/zoom/>
- Step #2: Install the Zoom software on your mobile device, or join in a web browser
- Step #3: If prompted, enter the Meeting ID number: 503 325 5821

*Note: Your device will automatically be muted when you enter the online meeting. At the time of public testimony, when prompted you may choose to select the option within the ZOOM software to "raise your hand" and notify staff of your desire to testify. Your device will then be un-muted by the Host and you will be called upon, based on the name you entered within the screen when you logged in.*

## TELECONFERENCE

At the start of our Public Meetings you will be able to **dial-in using your telephone** to listen and provide public testimony.

- Step #1: Call this number: [253-215-8782](tel:253-215-8782)
- Step #2: When prompted, enter the Meeting ID number: 503 325 5821

*Note: Your phone will automatically be muted when you enter the conference call. At the time of public testimony, when prompted, you may dial \*9 to "raise your hand" and notify staff of your desire to testify. Your phone will then be un-muted by the Host and you will be called upon based on your phone number used to dial-in.*